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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,883	08/05/2003	Denny Jaeger	4309	1590
7590	03/23/2006		EXAMINER	
Harris Zimmerman Law Offices of Harris Zimmerman Suite 710 1330 Broadway Oakland, CA 94612			SHERKAT, AREZOO	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/635,883	JAEGER, DENNY
	Examiner	Art Unit
	Arezoo Sherkat	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. Claims 1-13 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Arsenault et al., (U.S. Patent No. 6,870,546 and Arsenault hereinafter).

3. Regarding claims 1 and 2, Arsenault discloses in a computer system having a display, a method for creating and using computer passwords, including the steps of: displaying graphic objects on the display (col. 12, lines 48-67), selecting at least one graphic object and designating it as a password, applying said password to a further

graphic object, whereby said graphic object cannot function unless said password is first applied to said further object (col. 8, lines 5-67 and col. 9, lines 1-39).

4. Regarding claims 3 and 4, Arsenault discloses wherein said plurality of objects include at least one of the following categories of graphic objects: alphanumeric characters, recognized hand drawn graphic objects, freeline hand drawn objects, and pictures (col. 5, lines 10-67 and col. 6, lines 1-10).

5. Regarding claims 5-8, Arsenault discloses wherein said plurality of objects is each displayed in a respective color (i.e., color is considered a physical custom property that may be defined for an object)(col. 6, lines 61-67 and col. 7, lines 1-20).

6. Regarding claim 9, Arsenault discloses wherein the combination possibilities of said password includes the categories of said plurality of objects, the colors of said plurality of objects (i.e., color is considered a physical custom property that may be defined for an object)(col. 6, lines 61-67 and col. 7, lines 1-20), and the spatial arrangement of said plurality of objects (col. 4, lines 17-67 and col. 5, lines 1-67 and col. 6, lines 1-10).

7. Regarding claims 10-11, Arsenault discloses wherein said step of designating as a password includes the step of accessing the Info Canvas of one of said plurality of selected graphic objects and selecting the Make Password entry, whereby all of said

plurality of selected graphic objects are incorporated into said password (col. 8, lines 5-67 and col. 9, lines 1-39).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault et al., (U.S. Patent No. 6,870,546 and Arsenault hereinafter), in view of Yarsa et al., (U.S. Patent No. 7,000,108 and Yarsa hereinafter).

9. Teachings of Arsenault regarding limitations of claim 2 have been discussed previously.

10. Regarding claims 12-13, Arsenault discloses wherein the step of unlocking said password-protected further object includes the steps of displaying said further object, recalling or redrawing said plurality of objects that form said password (col. 5, lines 10-67 and col. 6, lines 1-10).

Arsenault does not expressly disclose wherein the step of unlocking said password-protected further object includes the step of dragging said plurality of object to superpose on said password-protected further graphic object.

However, Yarsa discloses wherein the step of unlocking said password-protected further object includes the step of dragging said plurality of object to superpose on said password-protected further graphic object (col. 10, lines 55-67 and col. 11, lines 1-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Arsenault with teachings of Yarsa because it would allow to include the step of dragging said plurality of object to superpose on said password-protected further graphic object as disclosed by Yarsa. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Yarsa to provide automatically performs the necessary operations (Yarsa, col. 3, page 24-35).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borthwick, (U.S. Publication No. 2003/0236836),

Moran, (U.S. Patent No. 6,525,749), and

Wong, (U.S. Patent No. 6,260,021).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.S.

*A. Sherkat*

Patent Examiner  
Group 2131  
March 15, 2006

CHRISTOPHER REVAH  
PRIMARY EXAMINER

*cel 3/17/06*